

# Goorambat East Terminal Station

Application for Subdivision

Prepared for AusNet Services

Prepared by Beca Pty Ltd

ABN: 85 004 974 341

17 January 2025

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- Appendix E – Letter of Landowner Consent

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## Revision History

Revision N°	Prepared By	Description	Date
A	Adi Ananda	Draft for internal review	25/07/2024
B	Adi Ananda	Draft for client review	22/08/2024
C	Adi Ananda	Draft for Pre-Application Submission	3/10/2024
D	Adi Ananda	Final for Planning Permit Application	15/11/2024
E	Adi Ananda	Updated to respond to RF11	17/01/2025

## Document Acceptance

Action	Name	Signed	Date
Prepared by	Adi Ananda		17/01/2025
Reviewed by	Melody Valentine		17/01/2025
Approved by	Melody Valentine		17/01/2025
on behalf of	Beca Pty Ltd		

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# 1 Introduction

## 1.1 Purpose

Beca Pty Ltd (Beca) acts on behalf of AusNet Transmission Services Pty Ltd (AusNet) in making this application. AusNet seeks approval to undertake a two-lot subdivision of, and to create a carriageway easement on Lots 1 and 2 of TP399580L (Subject Site), at 379 Goorambat-Chesney Road, Goorambat, VIC 3725.

The primary purpose of this proposal is to create a lot for the Goorambat East Terminal Station (GETS), the development of which is approved by the Amended planning permit P0102/19 (issued by Benalla Rural City Council in September 2022), as part of the approved Goorambat East Solar Farm (GESF). The proposal is consistent with the permit and endorsed development plans. The GESF is to be developed by Goorambat East Solar Farm Pty Ltd, while AusNet will design and construct the GETS, as well as the lines connecting it to the Victorian transmission network.

## 1.2 Scope

This application relates to subdivision only. Table 1 below summarises the application details.

Table 1: Application Details.

Item	Application Details
<b>Proposal</b>	Two-lot subdivision and creation of a carriageway easement.
<b>Subject Site</b>	379 Goorambat-Chesney Road, Goorambat, VIC 3725 (Lots 1 and 2 of TP399580L)
<b>Zones</b>	Farming Zone (FZ)
<b>Overlays</b>	NA
<b>Other Layers</b>	Designated Bushfire Prone Area
<b>Permit Triggers</b>	Clause 35.07-3 – a permit is required to subdivide land in the FZ Clause 52.02 – Create an easement
<b>Municipality</b>	Benalla Rural City Council
<b>Responsible Authority</b>	The Minister for Planning (as per Clause 72.01-1)
<b>Application Pathway</b>	Development Facilitation Program (DFP)

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## 2 Subject Site

### 2.1 Location

The land proposed for subdivision is Lots 1 and 2 of TP399580L (Subject Site), located at 379 Goorambat-Chesney Road, Goorambat, VIC 3725, within the Benalla Local Government Area (LGA) which is governed by Benalla Rural City Council. Located in northern Victoria, the Subject Site is approximately 35 km south-west of Wangaratta, and 175 km north-east of the Melbourne CBD

The Subject Site is currently subject to the Farming Zone, pursuant to the Benalla Planning Scheme (BPS), with no overlays applicable (See Figure 1 below).

### 2.2 Use

The current use of the Subject Site and its immediate surroundings is rural farmland. The approved use (in accordance with planning permit P0102/19, approved by Benalla Rural City Council) is a solar farm and associated infrastructure. The solar farm will occupy the Subject Site as well as the land to the west, south and east.

The Subject Site contains two power supply easements: E-1 (15.69 metres wide) and E-2 (75.9 metres wide).

As seen in Figure 1 below, there is a low number of nearby residences. The closest residence is situated approximately 1 km south-east of the proposed GETS site, situated on land parcel 41\PP2704, owned by Goorambat East Solar Farm Pty Ltd. The closest settlement, Goorambat (and the next closest residence) is situated approximately 1.5 km north-east of the GETS site.

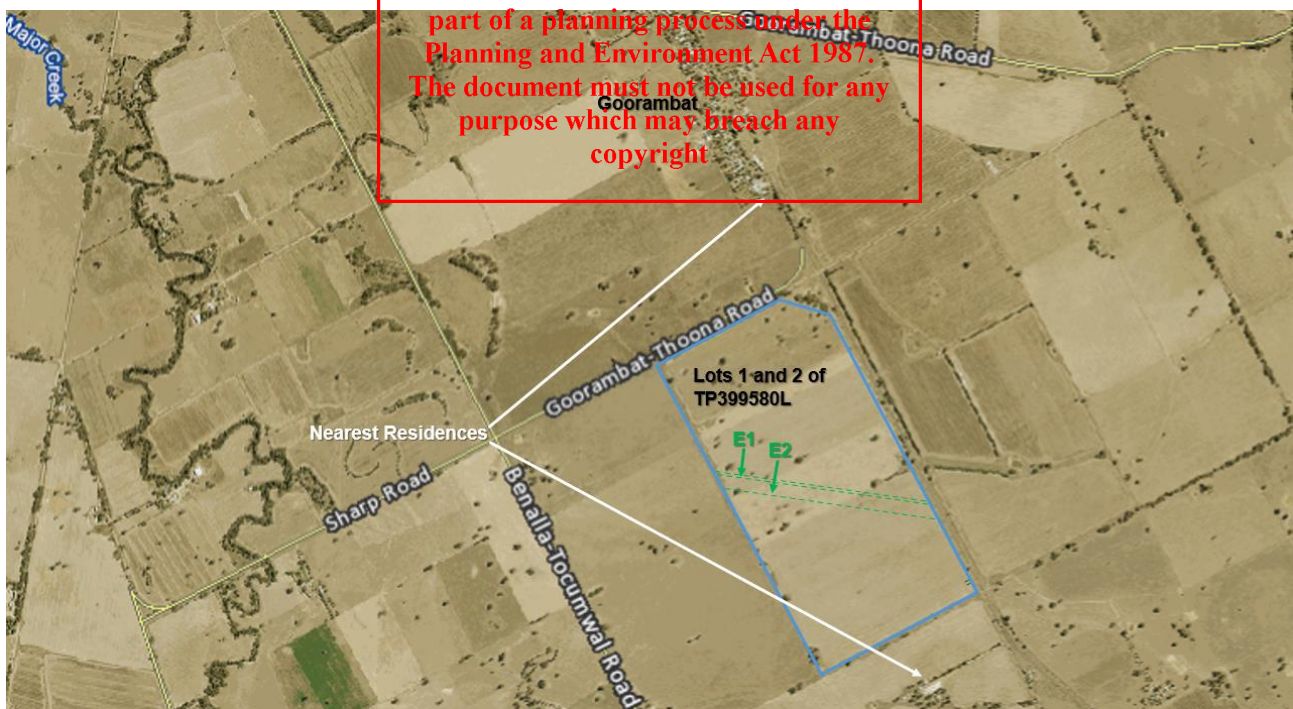


Figure 1: Locational Context of the Subject Site (Source: VicPlan)

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## 2.3 Environmental Features

### 2.3.1 Vegetation

A Flora and Fauna Assessment Report (AECOM, August 2019) was prepared as part of the proposal for the solar farm. The Flora and Fauna Assessment found that the Subject Site and its surroundings have been significantly modified by past and current agricultural land uses such as cropping and grazing.

There is a wetland area intersecting within the Subject Site.

As no works are proposed as part of this subdivision application, there will be no vegetation removal associated with this permit. All future works on the land will be in accordance with planning permit P0102/19.

### 2.3.2 Surface Water and Flooding Risks

The Subject Site is not subject to the Floodway Overlay (FO) or Land Subject to Inundation Overlay (LSIO).

Pursuant to Condition 83 of the approved planning permit P0102/19, floor levels for infrastructure such as inverter and transformer blocks, and any buildings must be set to a minimum of 300mm above the 1% AEP flood level.

AECOM (2019) conducted a Surface Water Assessment as part of the planning permit application for the Goorambat East Solar Farm (GESF). The assessment showed that the GETS location will not be subject to flooding during a 1% AEP flood event.

### 2.3.3 Aboriginal Cultural Heritage

A Cultural Heritage Assessment was prepared for the GESF (including the GETS) by Andrew Long and Associates (dated August 2019). The assessment found that the Subject Site does not fall within any areas of Aboriginal Cultural Heritage Sensitivity, and as such, a mandatory Cultural Heritage Management Plan (CHMP) is not required.

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## 3 Subdivision Proposal

### 3.1 Purpose

Benalla Rural City Council approved planning permit P102/19 in January 2020 and amended it in September 2022. The permit allows the use and development of the GESF. This includes development of the GETS, which will be owned and operated by AusNet. Subsequently, Benalla Rural City Council has endorsed development plans for the Subject Site (see Appendix D).

AusNet is seeking a two-lot subdivision of the Subject Site to delineate the site of the approved GETS from the surrounding GESF premises. Ownership of the proposed Lot 2, where the GETS will be located, will be transferred from Goorambat East Solar Farm Pty Ltd to AusNet Transmission Group Pty Ltd.

AusNet also seeks to create an approximately 15-metre wide carriageway easement to provide access to the GETS on Lot 2 from Goorambat-Chesney Road.

### 3.2 Description

This application proposes a two-lot subdivision and creation of a 15-metre wide carriageway easement, as per the Plan of Subdivision attached at Appendix B.

The subdivision will allow the delineation of the land for the GETS, which will be owned and operated by AusNet.

The primary access point to and from the GETS will be via the existing entrance off Goorambat-Chesney Road (along the eastern boundary), adjacent to its intersection with Spinks Lane. This access will traverse Lot 1 and a carriageway easement is proposed to facilitate this access right.

The proposal will result in the creation of the following lots:

- Lot 1 (125.4 ha) – to be retained by Goorambat East Solar Farm Pty Ltd and developed as the GESF
- Lot 2 (2.833 ha) – ownership to be transferred to AusNet and to be developed as the GETS.

The proposed subdivision layout and access is consistent with the endorsed plans, attached at Appendix D and as illustrated in Figure 2 below.

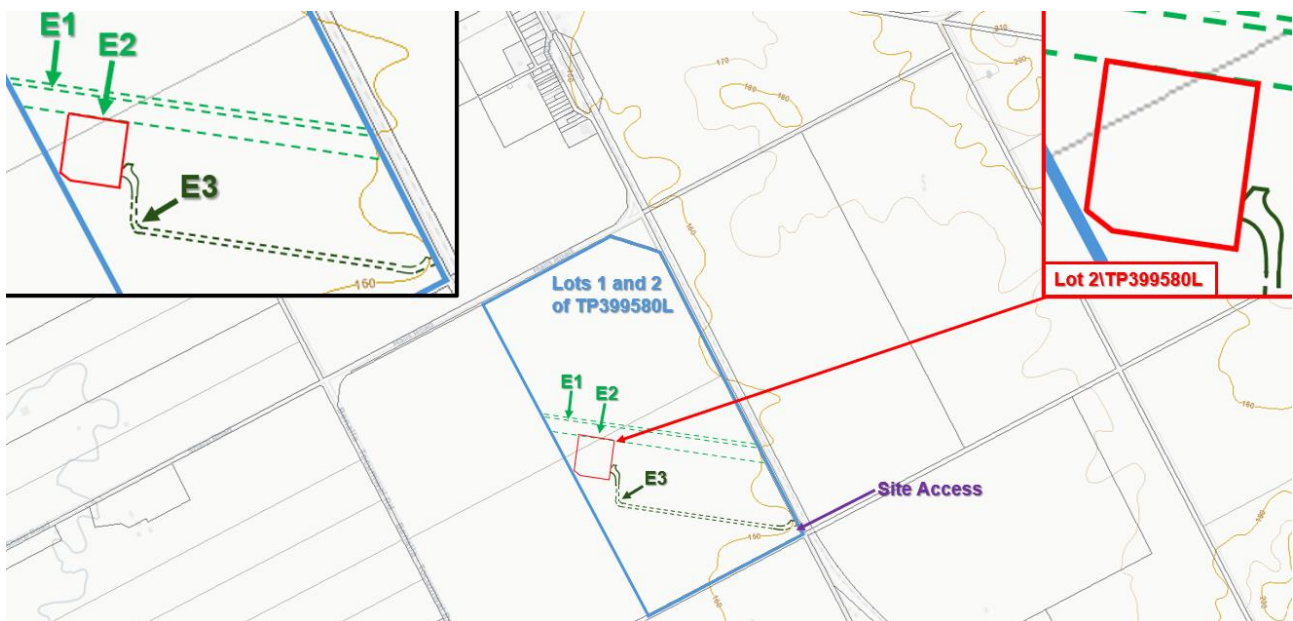


Figure 2: Subdivision Proposal (Source: VicPlan)

## 4 Planning Assessment

### 4.1 Planning Context

The Subject Site is within the Benalla Local Government Area and is subject to the planning requirements of the Benalla Planning Scheme (BPS). The Subject Site is located within the Farming Zone (FZ) and is not impacted by any overlays.

### 4.2 Responsible Authority

The responsible authority for the administration and enforcement of the Planning Scheme or provision of the Planning Scheme is specified in Clause 72.01-1.

Pursuant to Clause 72.01-1 of the Planning Scheme, the Minister for Planning is the responsible authority for any matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Planning and Environment Act 1987. And the endorsement of, approval of or satisfaction with matters required by a permit or the scheme to be endorsed or approved or completed to the satisfaction of the responsible authority, with regards to the use and development and land for:

- Utility installation used to transmit or distribute electricity.
- Use or development to which Clause 53.22 applies.

As this application relates to a subdivision for the purpose of a Utility Installation, the Minister for Planning is the responsible authority.

### 4.3 Land Use Definition

The proposed subdivision facilitates the development of an approved "utility installation" (Lot 2), as defined by Clause 73.03 of the BPS.

- "Utility Installation": 'To transmit, distribute or store power'.

### 4.4 Assessment Pathway

It is requested that this application be assessed as per the Development Facility Pathway, as outlined in Clause 53.22 of the Moyne Planning Scheme.

Clause 53.22-1 sets out the circumstances in which the pathway applies:

- Table 2 of Clause 53.22-1 sets out the uses (and conditions) to which the clause applies.
  - Table 2 includes 'a utility installation used to transmit or distribute electricity'.
- Table 1 of Clause 53.22-1 sets out the three categories of applications.
  - Table 1 of Clause 53.22 establishes utility installation as a Category 1 application, with the conditions:
    - The use must be specified in Table 2 and the condition corresponding to that use must be met.
    - Must have written advice from the CEO, Invest Victoria confirming the likely financial feasibility of a proposal. This condition does not apply to an application for the use or development of land for a utility installation.

While in general, Clause 53.22 does not apply to an application to subdivide land, Clause 53.22-1 states "*this clause does not apply to an application to subdivide land, other than an application to subdivide land that includes...a utility installation used to transmit or distribute electricity*".

As this application seeks subdivision of land used to transmit or distribute electricity, it is eligible for this assessment pathway.



## 4.5 Zones and Overlays

The Subject Site is within the Farming Zone (FZ), as shown by Figure 3 below. The Subject Site is not subject to any overlays.

### 4.5.1 Farming Zone

Pursuant to Clause 35.07-3 of the BPS, a permit is required to subdivide land in the FZ.

This application proposes to create two lots:

- Lot 1 – 125.4 ha (GESF location)
- Lot 2 – 2.833 ha (GETS location)

It is noted that there is a general minimum lot requirement of 40 hectares for any new lot within the FZ. Clause 35.07-3 states that a permit may be granted to create lots smaller than 40 hectares if the subdivision is by a utility service provider to create a lot for a utility installation. This application meets the requirements of this exemption as this subdivision is:

- Proposed by AusNet, a utility service provider as per the definition in Clause 73.01 and the provisions of the *Electricity Industry Act 2000*.
- Lot 2 is for the purpose of a terminal station, which as outlined in section 4.4 of this report, is defined as a Utility Installation.

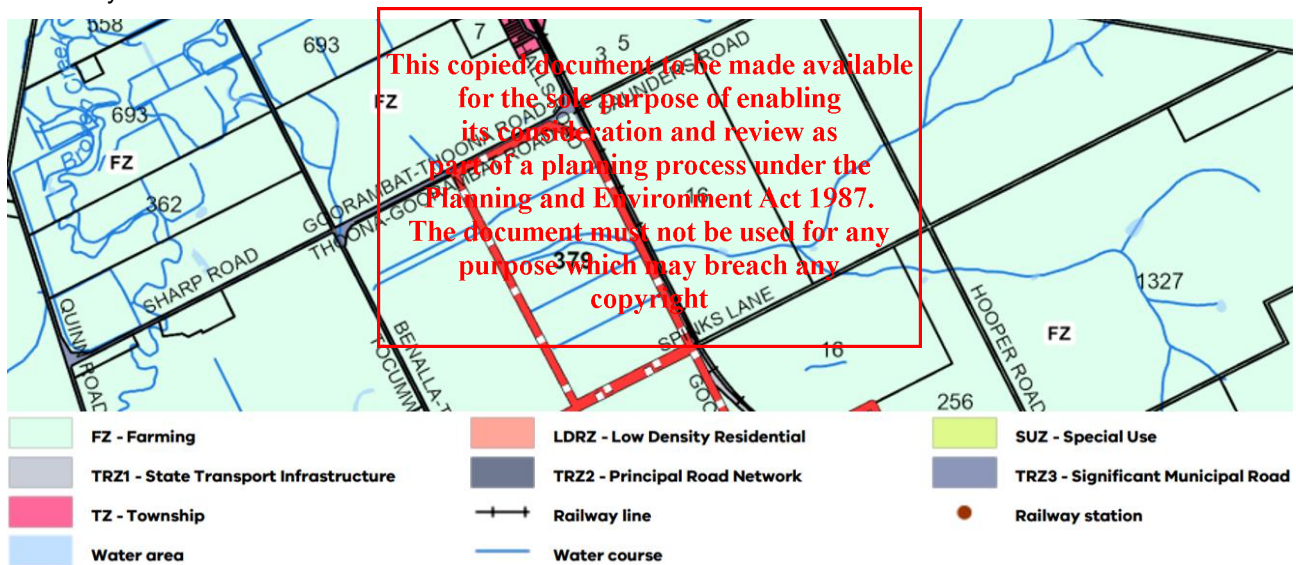


Figure 3: Zoning of the Site

## 4.6 Other

### 4.6.1 Clause 52.02 - Easements, Restrictions and Reserves

The proposed subdivision includes the creation of a new carriageway easement (E-3 as shown on the Plan of Subdivision). The easement is to be in the interest of AusNet, for the purpose of accessing the GETS.

Pursuant to the requirements of Clause 52.02, a permit is required:

- Under Section 23 of the Subdivision Act 1988 to create, vary or remove an easement or restriction or vary or remove a condition in the nature of an easement in a Crown grant.

This permit application includes the plan of subdivision (refer to Appendix B) to satisfy the requirements of Clause 52.02 under the Planning Scheme.

### 4.6.2 Conditions of Planning Permit

The proposed subdivision will not impact the GESF and GETS developments' ability to comply with the conditions of the planning permit P102/19 (as attached at Appendix C).

#### Endorsed Plans

The proposed subdivision layout is consistent with the endorsed plans approved by Benalla Rural City Council (attached at Appendix D). The following figures overlay the proposed subdivision layout on the endorsed plans.

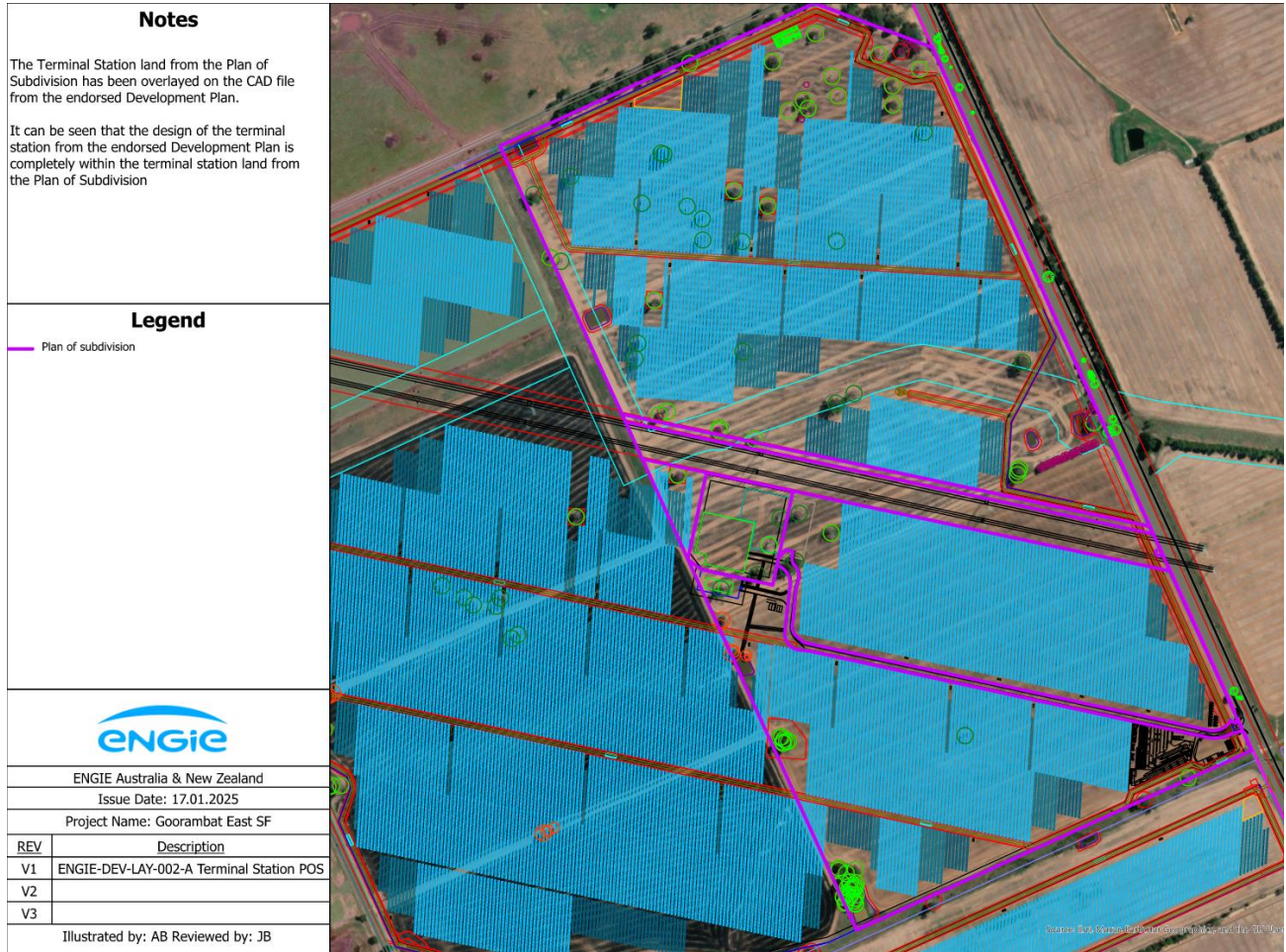


Figure 4: Subdivision Layout Overlaid on Endorsed Plans

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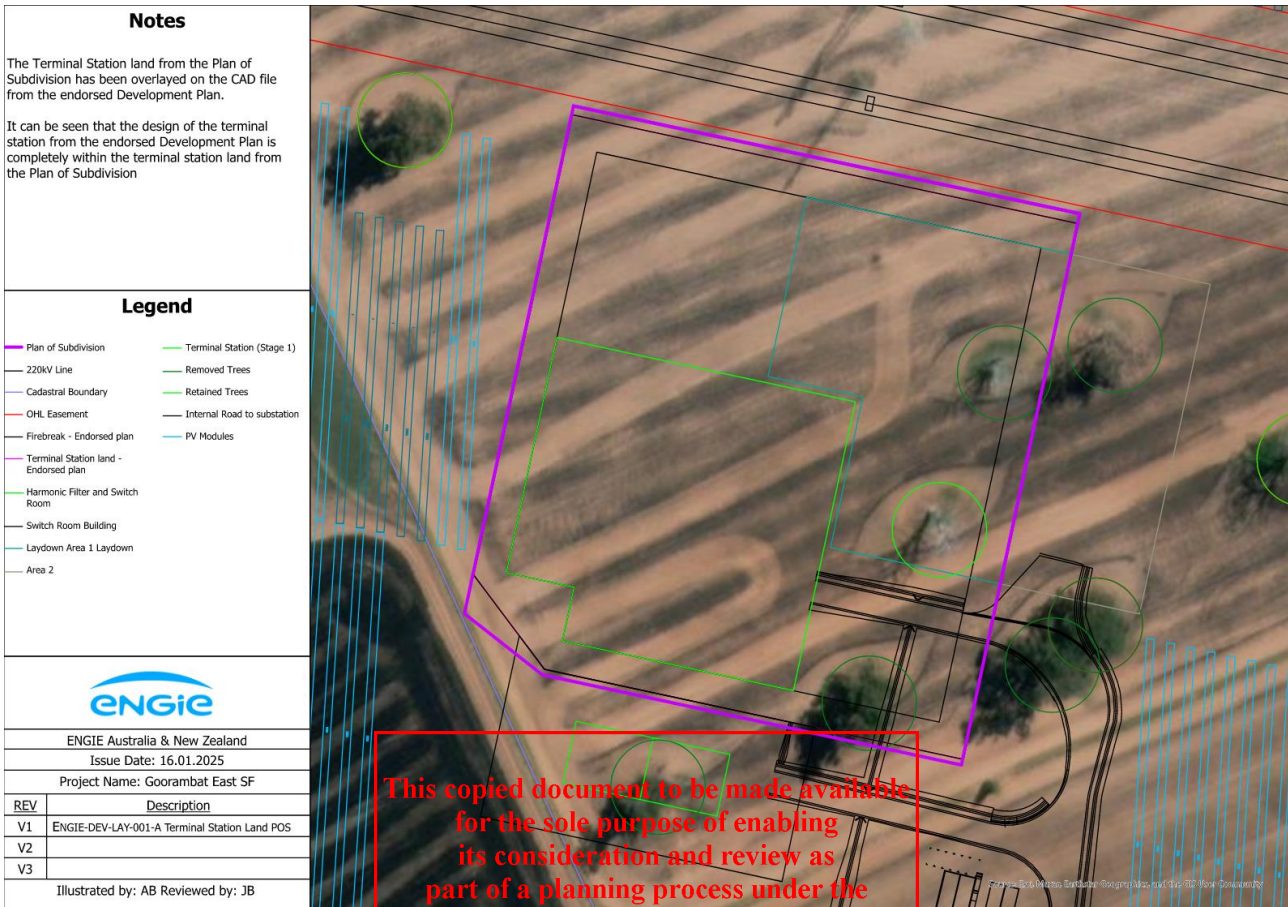


Figure 5: Subdivision Layout overlaid on Endorsed Plans - Lot 2 GETS

The two conditions of the permit most relevant to the use and development of the terminal station are:

- Condition 83, which relates to floor levels
- Condition 109, which related to the fire break.

## Condition 83

Condition 83 of the planning permit requires that floor levels for infrastructure such as inverter and transformer blocks, and any buildings must be set to a minimum of 300mm above the 1% AEP flood level.

AECOM (2019) conducted a Surface Water Assessment as part of the planning permit application for the Goorambat East Solar Farm (GESF). The assessment showed that the GETS location will not be subject to flooding during a 1% AEP flood event. Therefore, there is not a particular floor level requirement for the terminal station and this condition therefore does not have any consequence for the subdivision.

## Condition 109

Condition 109 of the planning permit states that a fire break area of ten (10 metres) width is to be maintained around the perimeter of the facilities, electricity compounds and substations. This area is to be of non-combustible mulch or mineral earth.

- The fire break area must commence from the boundary of the facility or from the vegetation screening (landscape buffer) inside the property boundary.
- The fire break area must be constructed using either mineral earth or non-combustible mulch such as crushed rock
- The fire break must be vegetation-free at all times.

- d) No obstructions are to be within fire break area (e.g., no stored materials of any kind).

The subdivision layout has been planned to allow a 10 metre wide fire break area around the perimeter of the GETS, therefore accommodating the requirements of this condition.

#### 4.6.3 Aboriginal Cultural Heritage

The Aboriginal Heritage Act 2006 is the primary legislation providing for the protection of Aboriginal cultural heritage and Aboriginal intangible heritage in Victoria. Pursuant of the Aboriginal Heritage Act 2006, a Cultural Heritage Management Plan (CHMP) is mandatory if:

- All or part of the proposed development is in an area of cultural heritage sensitivity that has not previously been significantly disturbed; and
- All or part of the activity is a high-impact activity.

Under the Aboriginal Heritage Regulations 2018, Regulation 49 outlines triggers for a CHMP for subdivision work, as follows:

*'(1) The subdivision of land into 3 or more lots is a high impact activity if:*

*(a) The planning scheme that applies to the activity area in which the land to be subdivided is located provides that at least 3 of the lots may be used for a dwelling or may be used for a dwelling subject to the grant of a permit; and*

*(b) The area of at least 3 of the lots is less than 8 hectares.*

*(2) The subdivision of land into 2 or more lots in an industrial zone is a high impact activity.*

*(3) In this regulation, "industrial zone" has the same meaning as in the VPP.'*

The proposed subdivision does not trigger the regulatory requirements for a CHMP, as the subdivision of land is not for 3 or more lots and does not propose subdivision of land into 2 or more lots in an industrial zone. The proposed subdivision is therefore considered to be exempt under Regulation 49 of the Aboriginal Heritage Regulations 2018.

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As per section 2.3.3, a Cultural Heritage Assessment was prepared for the GESF (including the GETS) by Andrew Long and Associates (dated August 2019). The assessment found that the Subject Site does not fall within any areas of Aboriginal Cultural Heritage Sensitivity, and as such, a mandatory Cultural Heritage Management Plan (CHMP) is not required.

#### 4.6.4 Designated Bushfire Prone Area

The land subject to the proposed subdivision is within a Designated Bushfire Prone Area (see Figure 6 below).

The policy for Bushfire Planning is established in Clause 13.02 of the BPS, which *'must be applied to all planning and decision making under the Planning and Environment Act 1987 relating to land that is within a designated bushfire prone area'*.

Pursuant to Clause 13.02-1S of the BPS, use and development controls include:

*'In a bushfire prone area designated in accordance with regulations made under the Building Act 1993, bushfire risk should be considered when assessing planning applications for the following uses and developments:*

- *Subdivision of more than 10 lots'*

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As the proposed subdivision does not exceed 10 lots, there are no further requirements under Clause 13.02. The application proposes no works and therefore does not trigger any other bushfire risk considerations. As described above, the subdivision layout accommodates the fire break required as a condition of the planning permit.



## 4.7 Decision Guidelines

### 4.7.1 Farming Zone

Table 2 below summarises the decision guidelines that are applicable to the proposed two-lot subdivision under Clause 35.07-6 – Decision guidelines (Farming Zone) of the BPS. An assessment of the consistency with the purpose of each is provided in the right-hand column.

Table 2: Assessment of Decision Guidelines under Clause 35.07-6 (Farming Zone) of the Benalla Planning Scheme

Decision Guidelines	Assessment
<b>Clause 35.07-6: (Farming Zone)</b>	
<b>General Issues</b>	
<p>The Municipal Planning Strategy and the Planning Policy Framework.</p> <p style="font-size: 2em; font-weight: bold; color: red; text-align: center;">ADVERTISED PLAN</p>	<p>The proposed subdivision is consistent with the Municipal Planning Strategy and Planning Policy Framework, namely:</p> <ul style="list-style-type: none"> <li>The objective of clause 14.01-1S, "To protect the state's agricultural base by preserving productive farmland".</li> <li>The objective of clause 19.01-1S, "To facilitate appropriate development of energy supply infrastructure".</li> </ul> <p>This application proposes to subdivide the Subject Site in relation to the development of a solar farm and ancillary infrastructure. While this is consistent with Clause 19.01-1S, it is not consistent with Clause 14.01-1S. The change of land use was assessed by and approved by Benalla</p>

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Decision Guidelines	Assessment
	<p>Rural City Council through the issue of planning permit P0102/19.</p> <p>The subdivision is consistent with the approved permit.</p>
<p>Any Regional Catchment Strategy and associated plan applying to the land.</p>	<p>The Goulburn Broken Regional Strategy 2021-27 applies to the Subject Site. As the proposed subdivision does not include any works, it will not negatively impact biodiversity, land, or water associated with the catchment.</p> <p>The proposed subdivision layout is consistent with planning permit P0102/19, issued by Benalla Rural City Council, and the associated endorsed plans.</p>
<p>The capability of the land to accommodate the proposed use or development, including the disposal of effluent.</p>	<p>Not applicable. This permit application does not include changes to use or development from what is approved under the planning permit P102/19.</p>
<p>How the use or development relates to sustainable land management.</p>	<p>The proposed subdivision layout is consistent with planning permit P0102/19, and the associated endorsed plans.</p>
<p>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.</p>	
<p>How the use and development makes use of existing infrastructure and services.</p>	
<p><b>Agricultural issues and the impacts from non-agricultural uses</b></p>	
<p>Whether the use or development will support and enhance agricultural production.</p>	<p>Not applicable. This permit application does not include changes to use or development.</p>
<p>Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.</p>	<p>This permit application is consistent with the use approved under planning permit P0102/19, issued by Benalla Rural City Council.</p>
<p>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</p>	
<p>The capacity of the site to sustain the agricultural use.</p>	
<p>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</p>	
<p>Any integrated land management plan prepared for the site.</p>	<p>Not applicable.</p>
<p>Whether Rural worker accommodation is necessary having regard to:</p> <ul style="list-style-type: none"> <li>The nature and scale of the agricultural use.</li> <li>The accessibility to residential areas and existing accommodation, and the remoteness of the location.</li> </ul>	<p>Not applicable.</p> <p>This permit application does not include rural worker accommodation.</p>
<p>The duration of the use of the land for Rural worker accommodation.</p>	
<p><b>Accommodation issues</b></p>	
<p>Whether the dwelling will result in the loss or fragmentation of productive agricultural land.</p>	<p>Not applicable.</p> <p>This proposal does not include any dwellings.</p>
<p>Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to</p>	

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<p>dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.</p> <p>Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.</p> <p>The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.</p>	
<p>The potential for accommodation to be adversely affected by noise and shadow flicker impacts if it is located within one kilometre from the nearest title boundary of land subject to:</p> <ul style="list-style-type: none"> <li>• A permit for a wind energy facility; or</li> <li>• An application for a permit for a wind energy facility; or</li> <li>• An incorporated document approving a wind energy facility; or</li> <li>• A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the Environment Effects Act 1978.</li> </ul>	<p>Not applicable.</p> <p>This permit application does not relate to a wind energy facility.</p>
<p>The potential for accommodation to be adversely affected by vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.</p>	<p>Not applicable.</p> <p>This permit application does not include accommodation or an extractive industry operation.</p>
<p><b>Environmental issues</b></p>	
<p>The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.</p>	<p>Not applicable.</p> <p>This permit application does not include a changes of use or development.</p>
<p>The impact of the use or development on the flora and fauna on the site and its surrounds.</p>	<p>The proposed subdivision is consistent with planning permit P0102/19, issued by Benalla Rural City Council and the associated endorsed plans.</p>
<p>The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.</p>	
<p>The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.</p>	<p>Not applicable.</p> <p>This permit application does not include onsite effluent disposal.</p>
<p><b>Design and siting issues</b></p>	
<p>The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.</p>	<p>The location, size, bulk, and scale of the GESF and GETS are permitted under the planning permit P102/19.</p> <p>This permit application does not include any works.</p>
<p>The impact of the siting, design, height, bulk, colours, and materials to be used, on the natural environment, major</p>	

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Decision Guidelines	Assessment
roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.	The design of the subdivision is consistent with works approved by planning permit P0102/19, issued by Benalla Rural City Council and the associated endorsed plans.
The impact on the character and appearance of the area or features of architectural, historic, or scientific significance or of natural scenic beauty or importance.	
The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications, and sewerage facilities.	This permit application includes the creation of a 15-metre-wide carriageway easement (E-3) to provide access to the GETS on Lot 2 from Goorambat-Chesney Road.
Whether the use and development will require traffic management measures.	This permit application does not include changes to use or development from what is approved under planning permit P102/19. As such, no traffic management measures are required, specific to this application.
The need to locate and design buildings used for accommodation to avoid or reduce noise and shadow flicker impacts from the operation of a wind energy facility if it is located within one kilometre from the nearest title boundary of land subject to: <ul style="list-style-type: none"> <li>• A permit for a wind energy facility; or</li> <li>• An application for a permit for a wind energy facility; or</li> <li>• An incorporated document approving a wind energy facility; or</li> <li>• A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the Environment Effects Act 1978.</li> </ul>	Not applicable. No accommodation is proposed. This permit application does not relate to a wind energy facility.
The need to locate and design buildings used for accommodation to avoid or reduce noise and shadow flicker impacts from the operation of a wind energy facility if it is located within one kilometre from the nearest title boundary of land subject to: <ul style="list-style-type: none"> <li>• A permit for a wind energy facility; or</li> <li>• An application for a permit for a wind energy facility; or</li> <li>• An incorporated document approving a wind energy facility; or</li> <li>• A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the <i>Environment Effects Act 1978</i>.</li> </ul>	<div style="border: 2px solid red; padding: 10px; text-align: center; margin-bottom: 10px;"> <p><b>This copied document to be made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright</b></p> </div> <p style="font-size: 2em; font-weight: bold; color: red; text-align: center;">ADVERTISED PLAN</p>

#### 4.7.2 Easements, Restrictions and Reserves

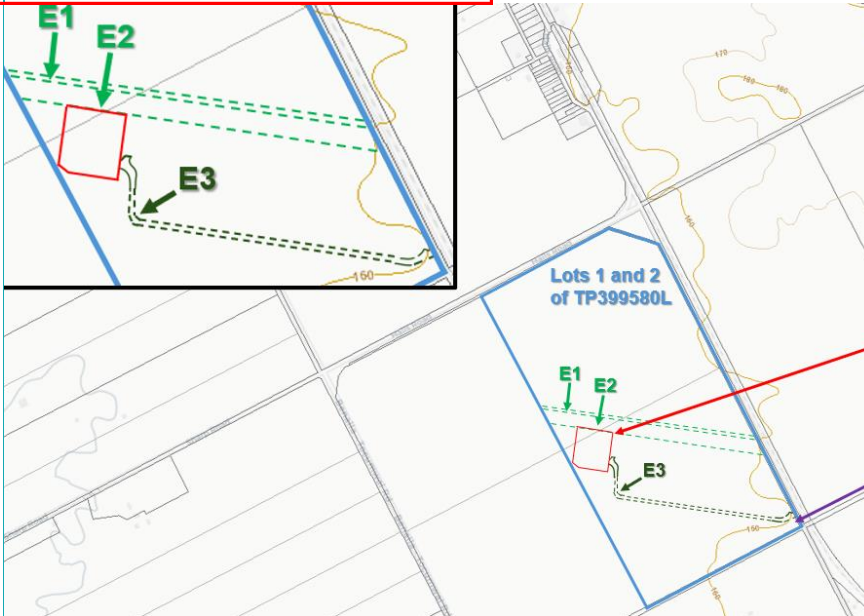
Clause 52.02 (Easements, Restrictions and Reserves) of the BPS states that the responsible authority must also consider the interests of people affected by the proposal. As this application does not include any change of use or development, it is not anticipated that it will impact any parties other than the current and future land owners. The two parties affected by the proposal are AusNet (future owner of Lot 2) and Goorambat East Solar Farm Pty Ltd (current landowner and future owner of Lot 1). AusNet is the applicant and Goorambat East Solar Farm Pty Ltd has provided its consent as part of this application.



### 4.7.3 Approval of an Application to Subdivide Land

Table 3 below summarises the considerations that are applicable to the proposed two-lot subdivision under Clause 65.02 (Approval of an Application to Subdivide Land) of the BPS. An assessment of the consistency with each of these considerations is provided in the right-hand column.

**Table 3:** Assessment of Decision Guidelines under Clause 65.02 (Approval of an Application to Subdivide Land) of the Benalla Planning Scheme

Considerations	Assessment
<b>Clause 65.02 (Approval of an Application to Subdivide Land)</b>	
The suitability of the land for subdivision.	The GETS is permitted under the Amended Planning Permit P0102/19 dated 2/09/2022 as part of the approved GESF.
The existing use and possible future development of the land and nearby land.	The purpose of this subdivision is to create the tenure needed to site the GETS within the proposed Lot 2 while allowing the remainder of the Site to be used for the GESF (and existing/proposed easements).
The availability of subdivided land in the locality, and the need for the creation of further lots.	
The effect of development on the use or development of other land which has a common means of drainage	The use and development of GETS, including potential effects of development with a common means of drainage has been considered as part of the assessment process associated with the Amended Planning Permit P0102/19 dated 2/09/2022.
The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.	The location of the GESF, GETS and associated infrastructure is permitted under the Permit. The proposed subdivision is to facilitate the construction and operation of the GETS and allows for the remainder of the site to be used for the GESF (and existing/proposed easements).
The density of the proposed development.	
The area and dimensions of each lot in the subdivision.	<ul style="list-style-type: none"> <li>Lot 1 – 125.4 ha (proposed GESF location)</li> <li>Lot 2 – 2.833 ha (proposed GETS location)</li> </ul>
The layout of roads having regard to their function and relationship to existing roads.	 <p>As seen in above, the proposed carriageway easement (E3) will facilitate access from the existing entrance off Goorambat-Chesney Road (along the eastern boundary) to the future GETS site.</p>

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Considerations	Assessment
The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.	The location of the access road is permitted by the Permit. This application proposes the establishment of a carriageway easement (E3) to facilitate access to the proposed Lot 2 (GETS premises).
The provision and location of reserves for public open space and other community facilities.	All traffic associated with the construction and operation of the GETS is permitted under the Amended Planning Permit P0102/19 dated 2/09/2022.
The staging of the subdivision.	The subdivision will not affect pedestrian movement, which is very minimal due to its rural nature.
The design and siting of buildings having regard to safety and the risk of spread of fire.	The subdivision layout has been planned to allow a 10-metre-wide fire break area around the perimeter of the GETS, pursuant to Condition 109 of the Amended Planning Permit P102/19 dated 2/09/2022.
The provision of off-street parking.	On-site parking will be provided. The design and siting of the GETS, as well as associated infrastructure are permitted under the Amended Planning Permit P0102/19 dated 2/09/2022.
The provision and location of common property.	Not applicable. No common property or body corporate applies to the subdivision application.
The functions of any owners corporation.	
The availability and provision of utility services, including water, sewerage, drainage, electricity, and, where the subdivision is not a residential subdivision, gas.	All utility connections to the GETS are permitted under the Amended Planning Permit P102/19 dated 2/09/2022.
If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.	
Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.	All potential impacts on native vegetation are permitted by the Amended Planning Permit P102/19 dated 2/09/2022.
The impact the development will have on the current and future development and operation of the transport system.	All traffic associated with the construction and operation of the GETS is permitted under the Amended Planning Permit P102/19 dated 2/09/2022.

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## 4.8 Notice and Referral Requirements

### 4.9 Notice

Under Section 52(1) of the *Planning and Environment Act 1987*, notice of application is required for the following:

- (1) *Unless the responsible authority requires the applicant to give notice, the responsible authority must give notice of an application in a prescribed form –*

- (a) *To the owners and occupiers of allotments of lots adjoining the land to which the application applies unless the responsible authority is satisfied that the grant of the permit would not cause material detriment to any person; and*
- (b) *To a municipal council, if the application applies to or may materially affect land within its municipal district; and*
- (c) *To any person to whom the planning scheme requires it to give notice.*

As such, notice is to be given to the owners and occupiers of allotments of lots adjoining the subject land, as well as Benalla Rural City Council. There are no further notice requirements under the BPS.

#### 4.9.1 Referrals

Pursuant to Clause 66.01 of the BPS, the following referrals are applicable to this subdivision application:

- To subdivide land within 60 metres of a major electricity transmission line (220 kilovolts or more) or an electricity transmission easement requires referral to the relevant electricity transmission authority.

Referral to the relevant electricity transmission authority is required for this subdivision application. AusNet is the owner and operator of the transmission lines that traverse the Subject Site and therefore the relevant referral authority.

#### 4.10 Landowner Consent

The Subject Site is currently owned by Goorambat East Solar Farm Pty Ltd.

The Letter of Landowner Consent can be found in Appendix E.

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## 5 Conclusion

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This application relates to a two-lot subdivision of Lots 1 and 2 of TP399580L (Subject Site), which is located at 379 Goorambat-Chesney Road, Goorambat, VIC 3725. The subdivision is required to create the necessary tenure for the development and operation of the Goorambat East Terminal Station (GETS); approved under planning permit P0102/19, issued by Benalla Rural City Council.

In summary, the proposed subdivision will result in the creation of the following:

- Lot 1 - 125.4 ha (approved GESF location)
- Lot 2 - 2.833 ha (approved GETS location)
- Carriageway Easement E-3 - Approximately 15m wide

The assessment of this proposal against the relevant decision guidelines (see Section 4.7) demonstrates that this Proposal is consistent with the Benalla Planning Scheme and that it is appropriate for a planning permit for subdivision to be granted.

The application is restricted to subdivision and does not include any change of use, development. The proposed subdivision layout is consistent with the endorsed plans associated with the planning permit.

The proposal will support the function of the Victorian transmission network and is consistent with the with the objectives of the Planning Policy Framework.

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## **Appendix A – Certificate of Title and Title Plan**

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# B

## Appendix B – Proposed Plan of Subdivision

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# C

## Appendix C – Planning Permit P102/19

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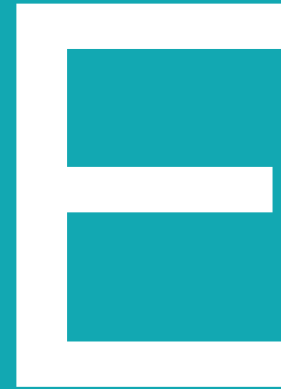
# D

## Appendix D – Endorsed Plans

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## Appendix E – Letter of Landowner Consent

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